

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**UNION INSURANCE COMPANY,
ACADIA INSURANCE COMPANY, and
CONTINENTAL WESTERN INSURANCE COMPANY**

PLAINTIFFS

V.

CIVIL ACTION NO. 4:09cv100 DPJ-JCS

**HERRINGTON INSURANCE AGENCY, INC.,
MARCUS L. HERRINGTON, SR., INDIVIDUALLY
AND AS OWNER / AGENT OF HERRINGTON
INSURANCE AGENCY, INC., AND JOHN DOES 1-5**

DEFENDANTS

AGREED ORDER OF DISMISSAL

THIS DAY THIS MATTER came on for hearing pursuant to the joint *ore tenus* motion of the Plaintiffs, Union Insurance Company, Acadia Insurance Company, and Continental Western Insurance Company (hereinafter sometimes referred to as “Plaintiffs”), and the Defendants, Herrington Insurance Agency, Inc., and Marcus L. Herrington, Sr., Individually and as Agent, Owner, and President of Herrington Insurance Agency, Inc. (hereinafter sometimes referred to as “Defendants”), for a dismissal of the above captioned cause of action against said Defendants, with prejudice, and this Court, having duly considered said motion and being fully advised in the premises, finds that this motion is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the above captioned cause of action be, and the same is hereby dismissed, with prejudice, as to Defendants, Herrington Insurance Agency, Inc., and Marcus L. Herrington, Sr., Individually and as Agent, Owner, and President of Herrington Insurance Agency, Inc. (hereinafter sometimes referred to as “Defendants”), and that the parties are to pay their own costs. This Order includes all claims and causes of action encompassed by the complaint filed herein and/or any subsequent amendments thereto, and includes any and all causes of action and/or claims which may, were, or might have been stated therein against said Defendants.

SO ORDERED AND ADJUDGED this the 25th day of January, 2010.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE

AGREED:

s/ William B. Stewart, Sr., Esq.

Robert P. Thompson, Esq.

William B. Stewart, Sr., Esq.

COPELAND COOK TAYLOR & BUSH, P.A.

Attorneys for Plaintiffs

s/ Craig M. Geno, Esq. (by William B. Stewart, Sr., w/ permission)

Craig M. Geno, Esq.

Jeffrey K. Tyree, Esq.

Melanie T. Vardaman, Esq.

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Attorneys for Defendants